HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Petition No.3002 of 2007

Between:

P. Lalya Naik and others. …Petitioners

And

District Collector, Mahbubnagar
and others. …Respondents

:: O R D E R ::

Counsel for the petitioners : Sri Venkateswarlu Sanisetty

Counsel for respondent Nos.1 and 4 : Government Pleader for Revenue

Counsel for respondent Nos.2 and 3 : Government Pleader for Mines & Geology.

Counsel for respondent No.5 : None

Counsel for respondent No.6 : Sri C.R. Sridharan

25th June, 2007

Per G.S. Singhvi, C.J.

In this petition, the petitioners have prayed for quashing the permission accorded by respondent No.3 - Assistant Director of Mines and Geology, Mahbubnagar to respondent No.6 – Larsen & Toubro Private Limited to undertake quarrying operations from the hillock area measuring about 15 acres situated in Survey No.56.

The petitioners are residents of Gopalpur, Gopanna Pally and Potulamadugu Villages of Bhootpur Mandal, Mahbubnagar District. Their grievance is that the quarrying operations being carried out by

respondent No.6 in Survey No.56 is damaging their properties and even the natural course of the water tank situated at the foothill of the hillock will be destroyed.

In the counter affidavit filed on behalf of respondent No.6, the allegations made by the petitioners have been denied. According to respondent No.6, the quarrying operations are being undertaken strictly in accordance with the lease granted by respondent No.3.

On 15-6-2007, the Court had, after hearing the learned counsel for the parties, passed the following order:

> "Shri S. Venkateswarlu for the petitioners.
>
> Learned Government Pleaders for Mines and Geology and Revenue.
>
> Shri C.R. Sridharan for respondent No.6
>
> Heard learned counsel for the petitioners, learned Government Pleader for Mines and Geology and Revenue, learned counsel for respondent No.6 and perused the record including the photographs produced by the petitioners and respondent No.6.
>
> In order to ascertain whether the quarrying operation being undertaken by respondent No.6 would adversely affect the catchment area of the tank indicated in the photographs filed by both the parties, we direct Executive Engineer, Irrigation, Mahabubnagar to personally inspect the site on 20.06.2007 between 11.00 a.m. and 01.00 p.m. and send a report to this Court. The petitioners and representative of respondent No.6 will be at liberty to remain present at the site and assist the concerned Executive Engineer.
>
> If necessary, the Executive Engineer may summon the record from the revenue authorities and prepare his report on the basis of visual inspection as well as the records.
>
> List the case on 25.06.2007."

In compliance of the aforementioned order, Sri V. Narayan Goud, Executive Engineer, I&CAD, IB Division, Mahbubnagar, inspected the site and submitted report dated 22-6-2007. The same is taken on record.

The contents of the report were read out to the learned counsel for the parties, who agreed that respondent No.6 may be allowed to undertake quarrying operations in an extent of Ac.9.12 guntas of Survey No.56 towards southern side of the hillock, but it shall not

undertake quarrying operations in Ac.5.31 guntas as shown in the plan annexed to the report of Sri V. Narayan Goud.

In view of the statement made by the learned counsel, no further is required to be passed and the writ petition is disposed of as infructuous.

As a sequel to disposal of the writ petition as infructuous, WPMP. No.3856 of 2007 filed by the petitioners for interim relief is also disposed of as infructuous.

G.S. SINGHVI, CJ

25th June, 2007

C.V. NAGARJUNA REDDY, J

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